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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Callegari et al. EXAMINER: Padgett, Marianne L.  
SERIAL NO.: 10/606,523 GROUP ART UNIT: 1762  
FILED: 06-26-2003 Docket: YOR920000655US2 (8728-446 DIV)  
FOR: **IMPROVING THE STABILITY OF ION BEAM GENERATED  
ALIGNMENT LAYERS BY SURFACE MODIFICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

OVER A "PRIOR" PATENT

Examiner:

The owner, International Business Machines Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent Nos. 6,665,033, 6,485,614, and 6,519,018 as the term

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postpaid in an envelope, addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on 4/24/06.

Dated: 4/24/06

  
Melithza Rodriguez

of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patents is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patents, "as the term of said prior patents is presently shortened by any terminal disclaimer," in the event that said prior patents later:

- expires for failure to pay a maintenance fee;

- is held unenforceable;

- is found invalid by a court of competent jurisdiction;

- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

- has all claims canceled by a reexamination certificate;

- is reissued; or

- is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record. Reg. No. 48,909.

Terminal disclaimer fee under 37 CFR 1.20(d) included. Please charge Deposit Account  
50-0510/IBM Yorktown Heights the sum of \$130.00 for the Terminal Disclaimer Fee.

Dated: April 24, 2006

Respectfully submitted,

By:



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